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Protection Agency

DECLARATION OF CIRCUMSTANCES THAT COULD CAUSE AN AGRICULTURAL EMERGENCY

The Director of the Department of Pesticide Regulation finds the existence of circumstances that could cause an agricultural emergency on agricultural establishments applying sulfur for the production of table grapes in Fresno, Kern, Kings, Madera, and Tulare Counties. This declaration is made pursuant to Title 3, California Code of Regulations, section 6770, and to Title 40, Code of Federal Regulations (40 CFR), Part 170.112(d).

Under Part 170.112(d)(1) of 40 CFR:

"An 'agricultural emergency' means a sudden occurrence or set of circumstances which the agricultural employer could not have anticipated and over which the agricultural employer has no control, and which requires entry into a treated area during a restricted-entry interval [REI], when no alternative practices would prevent or mitigate a substantial economic loss. A substantial economic loss means a loss in profitability greater than that which would be expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. The contribution of mismanagement cannot be considered in determining the loss."

The existence of circumstances declared under Part 170.112(d)(2) that could cause an agricultural emergency on the establishments specified above are:

- There has been unusually prolonged cool weather in the San Joaquin Valley.
- The unusual weather increased fungal disease in table grapes and set the table grape crop several weeks behind schedule.
- The agricultural employer could not have anticipated, and has no control over, these circumstances.

Some agricultural establishments apply sulfur to control fungal disease in table grapes. Critical

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Until May 30, 2001, a worker may enter a sulfur-treated table grape vineyard in the counties specified above during an REI listed in 3 CCR, section 6772, to perform tasks, include hand-labor tasks, necessary to mitigate the effects of an agricultural emergency, **provided the agricultural employer assures that all the following criteria are met:**

1. The agricultural employer determines that the agricultural establishment is subject to the circumstances declared above which result in an agricultural emergency on that establishment and notifies the county agricultural commissioner of that finding.
2. At least 24 hours have elapsed since the sulfur treatment.
3. Hand-labor tasks are not conducted when the temperature exceeds 90°F.
4. The requirements of 3CCR, section 6768 and 6771, and applicable provisions of 3CCR, section 6770, have been met.

Use of this exemption is subject to review and denial by the CAC on a site-specific basis.

The declaration shall remain in effect until May 30, 2001.

Paul E. Helliker
Director

Date